

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SANJIV CHAND,

Plaintiff

vs.

TESLA MOTORS INC.,

Defendant.

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**NOTICE OF REMOVAL**

Case No. 17-CV-5726

TO THE CLERK OF THE ABOVE ENTITLED COURT:

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§1332, 1441 and 1446, defendant TESLA, INC., sued improperly herein as “TESLA MOTORS INC.” by its undersigned counsel, hereby moves to this Court the pending New York State Civil action identified in paragraph 1 below:

1. Plaintiff, Sanjiv Chand, commenced a civil action in New York State Supreme Court, Nassau County, entitled *Sanjiv Chand v. Tesla Motors*, Index No. 604964/2017, by the filing of a Summons with Notice on May 31, 2017. A copy of the Summons with Notice, filed by plaintiff in the New York State civil action, is attached as **Exhibit A**.

2. No further proceedings have occurred in New York State Supreme Court, Nassau County.

3. This Court has original jurisdiction under 28 U.S.C. § 1332(a) by reason of diversity of citizenship because, as detailed below, this is a civil action between citizens of different states and the amount in controversy exceeds \$75,000.00.

4. According to plaintiff's Complaint, he is a citizen of the State of New York.

5. Tesla, Inc. is a Delaware corporation with its principal place of business in the State of California.

6. As such, diversity of citizenship exists between plaintiff and Tesla, Inc.

7. Plaintiff's Complaint asserts causes of action sounding in breach of warranty and seeks monetary damages of \$200,000.00.

8. Defendant will promptly serve a copy of this Notice of Removal upon counsel for plaintiff and will file a copy of it with the Suffolk County Clerk's Office pursuant to 28 U.S.C. § 1446(d).

9. The Eastern District of New York (Central Islip Courthouse) encompasses Nassau County where the New York State civil action was filed, and this Court is therefore a proper venue for removal of this action.

Dated: Buffalo, New York  
September 29, 2017

/s/ Robert G. Scumaci  
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